

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

_____	)	
AGERE SYSTEMS INC.,	)	
	)	Case Number: 02-CV-864
Plaintiff,	)	
	)	Hon. Legrome D. Davis
v.	)	
	)	
ATMEL CORPORATION,	)	
	)	
Defendant.	)	
_____	)	

**DEFENDANT ATMEL'S RESPONSE TO**  
**PLAINTIFF AGERE'S OPPOSITION TO NON-PARTY ROHM'S MOTION TO**  
**INTERVENE (AND FOR MODIFICATION OF THE COURT'S JUNE 19, 2006 ORDER**  
**DISMISSING THE UNDERLYING ACTION)**

Defendant Atmel Corporation ("Atmel") respectfully files this brief statement in response to Plaintiff Agere Systems Inc.'s ("Agere's") recently-filed opposition to Non-Party Rohm Company, Limited's ("Rohm's") motion to intervene. Atmel takes no position on the merits of Rohm's original motion. With one exception noted herein, Atmel does not oppose Agere's opposition. Atmel does not agree with Agere's statement in opposition to that motion that "Agere and Atmel conditioned their settlement and resulting license agreement on this Court's vacatur of certain non-final decisions". *See* Agere's Opposition to Rohm's Motion to Intervene and for Modification of the Court's June 19, 2006 Order Dismissing the Underlying Action, filed July 14, 2006, at 3. It is not Atmel's understanding that the parties' settlement was contingent upon vacatur.

Dated: July 17, 2006

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I, Michael A. Morse, Esquire, hereby certify that on this 17th day of July, 2006, a copy of the foregoing Defendant Atmel Corporation's Response to Plaintiff Agere's Opposition to Non-Party Rohm's Motion to Intervene (and for Modification of the Court's June 19, 2006 Order Dismissing the Underlying Action) has been served upon the following persons in the manner indicated below:

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